

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-12 are pending; Claims 4, 5, and 9-12 were withdrawn from consideration; and Claims 1-3 and 6-8 are active.

In the outstanding Office Action, Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 10-194388 (hereafter JP '388); Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Hall (U.S. Pat. No. 4,846,515); and Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by JP 4-253690 (hereafter JP '690).

With regard to the rejection of Claims 1-3 and 6-8 under 35 U.S.C. § 102(b) as unpatentable over JP' 388, that rejection is respectfully traversed.

In the past, material holding implements having material holding members made from a shape memory resin were used. However, when the material holding implement having a shape memory resin passes a certain high temperature range exceeding a glass transition temperature of the shape memory resin, the shape memory resin loses the material holding configuration, and when the material holding implement is used under a high humidity, the shape memory resin bulges due to moisture absorption and deforms, thereby losing the material holding configuration.¹

Thermoplastic resins, such as a vinyl chloride resin and a polyethylene resin, have high softening points (about 70° to 100°C in the case of vinyl chloride resin and about 70° to 85°C in the case of polyethylene resin), and will not deform to restore their initial configurations, even when softened, unlike a shape memory resin. Therefore, when thermoplastic resin plates are employed as a material holding member of a material holding

¹ Specification, paragraphs [0003]-[0004].

implement to be provided with a material holding configuration, even if the material holding implement is passed to a certain high-temperature range (for example, 50° to 60°C), so long as the temperature range is within a low temperature range in comparison with a softening point of the thermoplastic resin, the material holding member including thermoplastic resin plates will not lose a material holding configuration.

Additionally, the thermoplastic resin does not deform by bulging, even with absorbed moisture. Therefore, when the thermoplastic resin plates are configured with the material holding configuration, the material holding member does not lose the material holding configuration, even in circumstances of high humidity.

In light of the above-described difficulties, the Applicants developed the present invention. To this end, independent Claims 1 and 3 both recite, in part, a thermoplastic resin that is deformable to a material holding configuration conformable to a desirable material configuration at a temperature higher than a certain temperature. The thermoplastic resin is also fixable to the material holding configuration at a temperature below the predetermined temperature.

By contrast, JP' 388 relates to a material holding member made of a shape memory resin. As described above, the shape memory resin suffers from the very defects discovered and overcome by the Applicants of the present invention. Accordingly, as JP' 388 fails to disclose or suggest the thermoplastic resin recited in Claims 1 and 6, it is respectfully requested that the rejection of Claims 1-3 and 6-8 be withdrawn.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(b) as anticipated by Hall, that rejection is also traversed.

Hall relates to a golf ball retrieving apparatus and describes using a thermoplastic resin for the handle 12.² However, Hall does not disclose or suggest that the gripping member 30 is made of a thermoplastic resin. Instead, Hall describes using a tubular shaped foam piece as the holding portion (gripping member 30).³

Accordingly, as Hall fails to disclose or suggest a thermoplastic resin deformable to a material holding configuration, it is respectfully submitted that Claim 1 patentably distinguishes over Hall, and it is respectfully requested that this rejection be withdrawn.

With regard to the rejection of Claim 1 under 35 U.S.C. § 102(b) as anticipated by JP '690, that rejection is also traversed.

As described in the Background of the Invention section of the present application, JP '690 relies upon a shape memory resin to obtain a material holding configuration. As a result, the material holding member of JP '690 suffers from the very defects the Applicants have overcome by the present invention. Accordingly, it is respectfully submitted that Claim 1 patentably distinguishes over JP '690, and it is respectfully requested that this rejection be withdrawn.

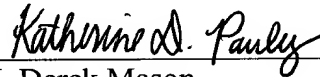
² Hall, col. 2, lines 44-47.

³ Id. at col. 3, lines 10-14.

Consequently, in view of the foregoing discussion, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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